IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

THURSDAY, THE 8TH FEBRUARY 2007 / 19TH MAGHA 1928

WP(C).No. 31336 of 2006(E)

PETITIONER:

P.SASIDHARAN, AGED 54 YEARS, SON OF P.KUTTAN, ARMED POLICE INSPECTOR, SPEICIAL ARMED POLICE, PEROORKADA, THIRUVANANTHAPURAM, RESIDING AT REVATHY, T.C.10/2203/4, KANJIRAMPARA P.O., THIRUVANANTHAPURAM.

BY ADV. SRI.K.L.NARASIMHAN

RESPONDENTS:

1. **STATE OF KERALA, REPRESENTED BY ITS HOME SECRETARY, SECRETARIAT, THIRUVANANTHAPURAM.**
2. **DIRECTOR GENERAL OF POLICE, POLICE HEAD QUARTERS, THIRUVANANTHAPURAM.**
3. **T.D.DAVIES, AGED ABOUT 53 YEARS, ASSISTANT COMMANDANT, FIRST BATALIAN, R.V.PURAM, TRICHUR.**
4. **JAMALUDDIN KUNJU, AGED ABOUT 53 YEARS, ASSISTANT COMMANDANT.**

BY ADV. SRI.JOSHI N.THOMAS for R3
BY GOVT.PLEADER SRI.BIJOY CHANDRAN for R1 & R2

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 08/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.K.DENESAN, J.

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WP(C).No.31336 OF 2006-E.

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Dated this the 8th day of February, 2007.

J U D G M E N T

The petitioner is working as Armed Police Inspector in the Special Armed Police. It is submitted that he is entitled for promotion to the post of Assistant Commandant, but respondents 1 and 2 have failed to consider his claim. It is contended that respondents 3 and 4 who are not entitled for promotion in preference to the petitioner, are occupying the post of Asst. Commandant causing heartburn to the petitioner.

2. Government Pleader submits that Ext.P1 which provides for the grant of exemption from one month's training has been applied in deserving cases and that the relief prayed for by the petitioner for a direction to implement Ext.P1 will be considered favourably. As far as the claim for promotion to the post of Asst. Commandant is concerned, it is submitted on behalf of respondents 1 and 2 that the preparation of the seniority list of Armed Police Inspectors is progressing and that the same will be completed as early as possible. Promotion of Armed Police Inspectors to the post of Asst. Commandant will be taken up

based on the seniority list to be thus prepared and published.

3. Counsel for the petitioner submits that Ext.P5 representation filed by him and pending with the 2nd respondent may be directed to be disposed of within a time frame.

4. Counsel appearing for respondent No.3 submits that in a writ petition filed by him seeking for directions to consider his request for early finalisation of the seniority list, this Court had already issued directions to complete the process within a time limit and that the respondents had made a request for extension of the period fixed by this Court, and that as matters now stand the preparation of the seniority list will have to be completed before 13-3-2007.

5. In the light of the above fact, there shall be an order directing the 2nd respondent to consider the grievance of the petitioner for promotion to the post of Asst. Commandant based on the rank to be assigned in the seniority list now being prepared as stated above. He shall be granted the benefit of Ext.P1 in accordance with law. If it is found that the petitioner is entitled for rank and seniority above that of respondents 3 and 4 in the

cadre of Armed Police Inspector, appropriate decision shall be taken based on the exemption from training provided for in Ext.P1, to promote the petitioner from the due date. I am not fixing any time limit for the preparation and publication of the seniority list, since necessary directions have already been given in the writ petition filed by the 3rd respondent. As far as the claim of the petitioner for promotion to the post of Assistant Commandant is concerned, the same shall be considered within six weeks from the date of publication of the seniority list of Armed Police Inspectors.

With the above directions, the writ petition is disposed of.

K.K.DENESAN, JUDGE.

kvs/-